

PROPOSED INITIATIVE TO LOWER DRINKING AGE IN COLORADO

PURPOSE

To lower the minimum age to possess, purchase, and consume malt, vinous, and spirituous liquor from 21 years of age to 18 years of age.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:

SECTION 1. In Colorado Revised Statutes, 12-47- 103 **amend** (23.5) as follows:

(23.5) "Personal consumer" means an individual who is at least ~~twenty-one~~ EIGHTEEN years of age, does not hold an alcohol beverage license issued in this state, and intends to use wine purchased under section 12-47-104 for personal consumption only and not for resale or other commercial purposes.

SECTION II - In Colorado Revised Statutes, 12-47- 104 **amend** (3)(II), (III), and (c) as follows:

(II) The package may be delivered only to a person who is ~~twenty-one~~ EIGHTEEN years of age or older.

(III) A person who is ~~twenty-one~~ EIGHTEEN years of age or older.

(c) Wine may be delivered only to a person who is ~~twenty-one~~ EIGHTEEN years of age or older after the person accepting the package:

SECTION III. In Colorado Revised Statutes, 12-47- 106 **amend** (d)(2), (3)(a), and (4) as follows:

(d) Malt liquors produced pursuant to this subsection (2) may be transported and delivered by the producer to any licensed premise where consumption of malt liquors by persons over the age of ~~twenty-one~~ EIGHTEEN is authorized for use at organized affairs, exhibitions, or competitions, such as home brew contests, tastings, or judgments. Consumption shall be limited solely to the participants in and judges of such events. Malt liquors used for the purposes described in this paragraph (d) shall be served in portions not exceeding six ounces and shall not be sold, offered for sale, or made available for consumption by the general public.

(3) (a) The provisions of this article or article 46 of this title, with the exception of the requirements of section 12-47-503, shall not apply to the occasional sale of an alcohol beverage to any individual ~~twenty-one~~ EIGHTEEN years of age or older at public auction by any person where such auction sale is for the purpose of disposing of such alcohol beverage as may lawfully have come into the possession of such person in the due course of such person's regular business in the following manner:

(4) Any passenger ~~twenty-one~~ EIGHTEEN years of age or older arriving at any airport in this state on an air flight originating in a foreign country who is thereby subject to customs clearance at such airport may lawfully possess up to one gallon or four liters (one imperial gallon), whichever measure is applicable, of an alcohol beverage without liability for the Colorado excise tax thereon.

SECTION IV. In Colorado Revised Statutes, 12-47- 202 **amend** (E) as follows:

(E) Inspections, investigations, searches, seizures, and such activities as may become necessary from time to time, including a range of penalties for use by licensing authorities, which shall include aggravating and

mitigating factors to be considered, when persons under ~~twenty-one~~ EIGHTEEN years of age are utilized to investigate sales of alcohol beverages by liquor licensees to underage persons;

SECTION V. In Colorado Revised Statutes, 12-47- 301 **amend** (VIII) as follows:

(VIII) The licensee shall not serve a person who is under ~~twenty-one~~ EIGHTEEN years of age or who is visibly intoxicated.

SECTION VI. In Colorado Revised Statutes, 12-47- 307 **amend** (VII) as follows:

(VII) Any natural person under ~~twenty-one~~ EIGHTEEN years of age.

SECTION VII. In Colorado Revised Statutes, 12-47- 801 **amend** (3)(I), (4)(I) as follows:

(3)(I) It is proven that the licensee willfully and knowingly sold or served any alcohol beverage to such person who was under the age of ~~twenty-one~~ EIGHTEEN years or who was visibly intoxicated; and

(4)(I) It is proven that the social host knowingly served any alcohol beverage to such person who was under the age of ~~twenty-one~~ EIGHTEEN years or knowingly provided the person under the age of ~~twenty-one~~ EIGHTEEN a place to consume an alcoholic beverage; and

SECTION VIII. In Colorado Revised Statutes, 12-47- 901 **amend** (a.5)(I), (II), (b), (c), (d), (h)(II), (k) (I) as follows:

(a.5) (I) To sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any alcohol beverage to or for any person under the age of ~~twenty-one~~ EIGHTEEN years.

(II) If a person is convicted of an offense pursuant to subparagraph (I) of this paragraph (a.5) for serving, giving away, disposing of, exchanging, or delivering or permitting the serving, giving, or procuring of any alcohol beverage to a person under the age of ~~twenty-one~~ EIGHTEEN years, the court shall consider the following in mitigation:

(b) To obtain or attempt to obtain any alcohol beverage by misrepresentation of age or by any other method in any place where alcohol beverages are sold when such person is under ~~twenty-one~~ EIGHTEEN years of age;

(c) To possess alcohol beverages in any store, in any public place, including public streets, alleys, roads, or highways, or upon property owned by the state of Colorado or any subdivision thereof, or inside vehicles while upon the public streets, alleys, roads, or highways when such person is under ~~twenty-one~~ EIGHTEEN years of age;

(d) To knowingly, or under conditions that an average parent or guardian should have knowledge of, suffer or permit any person under ~~twenty-one~~ EIGHTEEN years of age, of whom such person may be a parent or guardian, to violate the provisions of paragraph (b) or (c) of this subsection (1);

(h)(II) Notwithstanding subparagraph (I) of this paragraph (h), it is not unlawful for a person who is at least ~~twenty-one~~ EIGHTEEN years of age to consume malt, vinous, or spirituous liquors while the person is a passenger aboard Page 48 of 58 COLORADO LIQUOR CODE a luxury limousine or a charter bus, as those terms are defined in section 40-10.1-301, C.R.S. Nothing in this subparagraph (II) authorizes an owner or operator of a luxury limousine or charter bus to sell or distribute alcohol beverages without obtaining a public transportation system license pursuant to section 12-47-419.

(k) With knowledge, to permit or fail to prevent the use of his or her identification, including a driver's license, by a person who is under ~~twenty-one~~ EIGHTEEN years of age, for the unlawful purchase of any alcohol beverage.

(5)(a)(I) To sell an alcohol beverage to any person under the age of ~~twenty-one~~ EIGHTEEN years, to a habitual drunkard, or to a visibly intoxicated person, or to permit any alcohol beverage to be sold or dispensed by a person under eighteen years of age, or to permit any such person to participate in the sale or dispensing thereof. If a person who, in fact, is not ~~twenty-one~~ EIGHTEEN years of age exhibits a fraudulent proof of age, any action relying on such fraudulent proof of age shall not constitute grounds for the revocation or suspension of any license issued under this article or article 46 of this title. Notwithstanding any provision in this subparagraph

(5)(p)(I) to the contrary, no person under ~~twenty-one~~ EIGHTEEN years of age shall be employed to sell or dispense malt, vinous, or spirituous liquors unless he or she is supervised by another person who is on premise and has attained ~~twenty-one~~ EIGHTEEN years of age. No employee of a tavern licensed pursuant to section 12-47-412, that does not regularly serve meals as defined in section 12-47-103 (20), or a retail liquor store shall sell malt, vinous, or spirituous liquors unless such person is at least ~~twenty-one~~ EIGHTEEN years of age

(5)(II)(A) If a licensee or a licensee's employee has reasonable cause to believe that a person is under ~~twenty-one~~ EIGHTEEN years of age and is exhibiting fraudulent proof of age in an attempt to obtain any alcohol beverage, the licensee or employee shall be authorized to confiscate such fraudulent proof of age, if possible, and shall, within seventy-two hours after the confiscation, turn it over to a state or local law enforcement agency. The failure to confiscate such fraudulent proof of age or to turn it over to a state or local law enforcement agency within seventy-two hours after the confiscation shall not constitute a criminal offense, notwithstanding section 12-47-903 (1) (a).

(5)(p)(I)(B) If a licensee or a licensee's employee believes that a person is under ~~twenty-one~~ EIGHTEEN years of age and is exhibiting fraudulent proof of age in an attempt to obtain any alcohol beverage, the licensee or the licensee's employee or any peace or police officer, acting in good faith and upon probable cause based upon reasonable grounds therefor, may detain and question such person in a reasonable manner for the purpose of ascertaining whether the person is guilty of any unlawful act under this section. Such questioning of a person by a licensee or a licensee's employee or a peace or police officer does not render the licensee, the licensee's employee, or a peace or police officer civilly or criminally liable for slander, false arrest, false imprisonment, malicious prosecution, or unlawful detention.

(c) Except as provided in section 18-13-122, C.R.S., for any person to sell fermented malt beverages to any person under the age of ~~twenty-one~~ EIGHTEEN years or to any person between the hours of 12 midnight and 5 a.m.;

(Warning)

WARNING

IT IS ILLEGAL TO SELL WHISKEY, WINE, OR BEER TO ANY PERSON UNDER ~~TWENTY-ONE~~ EIGHTEEN YEARS OF AGE AND IT IS ILLEGAL FOR ANY PERSON UNDER ~~TWENTY-ONE~~ EIGHTEEN YEARS OF AGE TO POSSESS OR TO ATTEMPT TO PURCHASE THE SAME. IDENTIFICATION CARDS WHICH APPEAR TO BE FRAUDULENT WHEN PRESENTED BY PURCHASERS MAY BE CONFISCATED BY THE ESTABLISHMENT AND TURNED OVER TO A LAW ENFORCEMENT AGENCY. IT IS ILLEGAL IF YOU ARE ~~TWENTY-ONE~~ EIGHTEEN YEARS OF AGE OR OLDER FOR YOU TO PURCHASE WHISKEY, WINE, OR BEER FOR A PERSON UNDER ~~TWENTY-ONE~~ EIGHTEEN YEARS OF AGE. FINES AND IMPRISONMENT MAY BE IMPOSED BY THE COURTS FOR VIOLATION OF THESE PROVISIONS

SECTION IX. In Colorado Revised Statutes, 12-47- 909 **amend** (h) as follows

(h) Sell, serve, dispose of, exchange, or deliver, or permit the sale, serving, or giving of an alcohol beverage to a person under ~~twenty-one~~ EIGHTEEN years of age; or

(i) Permit a visibly intoxicated person to loiter within the common consumption area.

SECTION X In Colorado Revised Statutes, 12-55.5- 106 **amend** (1) (k) as follows

(1)(k) Serves or consumes alcohol while engaged in the activities of an outfitter, if the applicant or holder is under ~~twenty-one~~ EIGHTEEN years of age;

SECTION XI In Colorado Revised Statutes, 16-13- 304 **amend** (1) (b) as follows

(1)(b) Any public or private place or premises which encourages professional gambling, unlawful use, sale, or distribution of imitation controlled substances, as defined in section 18-18-420 (3), C.R.S., drugs, controlled substances, as defined in section 18-18-102 (5), C.R.S., or other drugs the possession of which is an offense under the laws of this state, furnishing or selling intoxicating liquor to minors, furnishing or selling fermented malt beverages to persons under the age of ~~twenty-one~~ EIGHTEEN, solicitation for prostitution, or traffic in stolen property; or

SECTION XII In Colorado Revised Statutes, 18-13- 122 **amend** (3) (a), (5), (5)(c)(I), (8)(a), (8)(b), (10) and (11) as follows

(3) (a) Except as described by section 18-1-711 and subsection (6) of this section, a person under ~~twenty-one~~ EIGHTEEN years of age who possesses or consumes ethyl alcohol anywhere in the state of Colorado commits illegal possession or consumption of ethyl alcohol by an underage person. Illegal possession or consumption of ethyl alcohol by an underage person is a strict liability offense.

(5) It is an affirmative defense to the offense described in paragraph (a) of subsection (3) of this section that the ethyl alcohol was possessed or consumed by a person under ~~twenty-one~~ EIGHTEEN years of age under the following circumstances:

(5)(c)(I) Tastes but does not imbibe an alcohol beverage only while under the direct supervision of an instructor who is at least ~~twenty-one~~ EIGHTEEN years of age and employed by a post-secondary school;

(8)(a) Evidence that the defendant was under ~~twenty-one~~ EIGHTEEN years of age and possessed or consumed ethyl alcohol or IN THE CASE OF marijuana or possessed marijuana paraphernalia UNDER TWENTY –ONE YEARS anywhere in this state; or

(8)(b) Evidence that the defendant was under the age of ~~twenty-one~~ EIGHTEEN years and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment or UNDER TWENTY-ONE YEARS FOR marijuana impairment while present anywhere in this state.

(10) A parent or legal guardian of a person under ~~twenty-one~~ EIGHTEEN years of age or any natural person who has the permission of such parent or legal guardian may give or permit the possession and consumption of ethyl alcohol to or by a person under ~~twenty-one~~ EIGHTEEN years of age under the conditions described in paragraph (a) of subsection (5) of this section. This subsection (10) shall not be construed to permit any establishment which is licensed or is required to be licensed pursuant to article 46, 47, or 48 of title 12, C.R.S., or any members, employees, or occupants of any such establishment to give, provide, make available, or sell ethyl alcohol to a person under ~~twenty-one~~ EIGHTEEN years of age.

(11) Nothing in this section shall be construed to prohibit any statutory or home rule municipality from enacting any ordinance which prohibits persons under ~~twenty-one~~ EIGHTEEN years of age from possessing or consuming ethyl alcohol or TWENTY- ONE YEARS FOR marijuana or possessing marijuana paraphernalia, which ordinance is at least as restrictive or more restrictive than this section.

EFFECTIVE DATE CLAUSE

These changes shall take effect December 31, 2018

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